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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,024	09/02/2003	Frederik De Meyer	Q76821	1523

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT PAPER NUMBER

2121

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/652,024	<b>Applicant(s)</b> DE MEYER ET AL.	
	<b>Examiner</b> Ronald D. Hartman Jr.	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 25-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 15 provide a "if" type clause but do not provide the details for the alternative, that is, what happens if the UCAMM (universal mobile control and monitoring module) does not lie within the sub-control area? If the "if" is not met, does the assigning step occur at all?

Claim 1 recites a method for monitoring and controlling a technical installation, but the claim does not recite any particular steps of monitoring and controlling the technical installation. Rather, it appears the only steps are determining where a UCAMM is positioned, and then loading data about the technical installation into the UCAMM if the UCAMM is in a regional sub-control area of the technical installation. Therefore the claim itself is in conflict with the preamble and appears to be missing essential elements.

Furthermore, as per claim 1, it is unclear as to what actually is meant by "assigning". How is the UCAMM actually *assigned* to the technical installation? It will be assumed that if a UCAMM is in a control area, and data is then loaded into the UCAMM regarding the control area of the technical installation, the UCAMM must be assigned to the technical installation in some manner.

Claim 7 provides "updating the HMI data" and it is unclear as to what this feature is actually intended to cover. Updating the HMI data in what aspect? What is this limitation meant to convey? Also, it is unclear as to what is meant by "uploading the HMI data *into* the technical installation." How specifically is the HMI data uploaded *into* the installation? It will be interpreted to mean that if the status of something changes, within the technical installation, this change is reflected on the mobile unit.

Claim 11, it is unclear as to where the HMI data is transmitted since the claim does not provide for this detail. Therefore the claim appears to be incomplete.

As per claim 12, it is unclear as to what the applicant's intention is with regards to the feature wherein the transmission of the HMI data occurs as a function of a distance of the mobile unit from the technical installation. The examiner does not understand this feature what so ever and appears to correlate to a feature wherein when the mobile unit is moved about the technical installation, the HMI data is transmitted, in other words sent out or brought in, based on the position of the mobile unit.

As per claim 15, specifically, what are the managing device, the managing and assigning device and the loading device? It is unclear what these features actually are.

As per claim 16, it is unclear as to what is specifically meant by "cyclically" managing the HMI data. In this context, what is cyclically meant to convey? What actually achieves this result? It would appear that this feature is meant to convey that the HMI data is updated based on the current operations of the system within the technical installation.

As per claims 23-24, "short-range" is a relative term and one of ordinary skill in the art would not know what actually constitutes short.

As per claim 24, applicant has claimed "Bluetooth" which is a trademark. Trademarks are not to be used in claims since they render the claim indefinite since the products represented by the trademark may change over time, thereby rendering the claim indefinite.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-24 are directed to non-statutory subject matter.

Claims 1 and 15 do not provide for a tangible real world result. "determining" data, then "assigning" data and then "loading" data does not provide for a tangible result. The data needs to be utilized in some real world tangible manner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-12 and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kretschmann, U.S. Patent No. 6,167,464.

As per claims 1 and 15, and as best understood, these claims appear to provide for a system and method in which a mobile control and monitoring unit's position is detected by way of positioning signals, and when the position is within a control area, of a technical installation, HMI data is loaded into the mobile unit.

These claims appear to be adequately anticipated by Kretschmann, U.S. Patent No. 6,167,464 (e.g. C7 L22-32 and C6 L56-62).

As per claim 2, "display data" has been interpreted to correspond to any data regarding the status or operations of the equipment in the control area, which is displayed on the mobile unit (e.g. C1 L56-65, C6 L46-55 and Figure 8).

As per claim 3, process values representing the display data is adequately disclosed by Kretschmann (e.g. C5 L21-53).

As per claims 5-6, Kretschmann teaches initialization values (e.g. C5 L26-27).

As best understood, and with respect to claims 7 and 16, Kretschmann adequately discloses the updating of HMI data on the mobile unit (e.g. corresponds to displaying status data; C1 L56-65, C6 L46-55 and Figure 8).

As per claim 8, Kretschmann teaches updating input data (e.g. C1 L56-65, C6 L46-55, C5 L21-53 and Figure 8).

As per claim 9, Kretschmann teaches specified values for the technical installation (e.g. C1 L56-65, C6 L46-55, C5 L21-53 and Figure 8).

As per claim 10, desired values and default values are adequately disclosed by Kretschmann (e.g. C1 L56-65, C6 L46-55, C5 L21-53 and Figure 8).

As per claims 11-12, and as best understood, Kretschmann adequately discloses the transmission of the HMI data since the HMI data may be sent from the central computer to the mobile unit based on the position of the mobile unit (e.g. C7 L22-32).

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As per claim 17, Kretschmann adequately discloses that the mobile unit is integrated into the technical installation (e.g. Figures 1 and 2).

As per claim 18, Kretschmann teaches a data bus (e.g. Figure 1 element 16).

As per claim 19, Kretschmann teaches wireless communications (e.g. RF link; Figure 1 element 29).

As per claim 20, Kretschmann teaches a receiver (e.g. Figure 1).

As per claims 21-22, Kretschmann teaches a position-determining device (e.g. GPS; C3 L9).

As per claim 23, Kretschmann teaches a short-range communication mechanism (e.g. RF link; Figure 1 element 29).

As per claim 24, Kretschmann teaches the use of infrared (e.g. C3 L6-7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kretschmann, in view of Official Notice.

As per claim 4, although Kretschmann adequately discloses displaying actual values, Kretschmann does not specifically teach displaying alarm messages. Official Notice is taken with respect to this feature and its incorporation into Kretschmann would

have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the aforementioned features into the system disclosed by Kretschmann for the purpose of allowing the operator of mobile unit to know when a problem exists in the technical installation.

As per claims 13 and 14, Kretschmann does not specifically teach utilizing a mobile telephone or a PDA for the mobile unit.

Official Notice is taken with respect to these features as their incorporation would have been obvious at the time the invention was made for the purpose of allowing a common well known portable communication device to be utilized as the mobile communication/conduit, thereby forming a more flexible communication system, and this would also alleviate the need for a dedicated mobile unit to be manufactured or designed for each technical installation since both mobile telephones and PDA's are extremely abundant, relatively cheap, easy to operate and may be procured by practically anyone.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic



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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald D Hartman Jr.

Patent Examiner

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November 18, 2006

RDH

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